

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

HOWARD “PAUL” EGGER,

Plaintiff,

v.

ELI EVANS,

Defendant.

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Case No. 3:19-cv-495

Judge Atchley

Magistrate Judge Poplin

ORDER

On July 30, 2021, United States Magistrate Judge Debra C. Poplin filed a Report and Recommendation [Doc. 41] pursuant to 28 U.S.C. § 636, the Rules of this Court, and the Referral Order [Doc. 32]. The Magistrate Judge recommends that Plaintiff’s Motion for Entry of Default Judgment [Doc. 31] be **GRANTED IN PART AND DENIED IN PART**. Specifically, the Magistrate Judge recommends that Defendant Eli Evans¹ be adjudged for assault and battery and intentional infliction of emotional distress, and that default judgment be entered against Defendant in the total amount of \$350,000.00, which constitutes \$175,000.00 in compensatory damages and \$175,000.00 in punitive damages [Doc. 41 at 20]. No party has filed an objection to the Report and Recommendation.² The Court has nonetheless reviewed the Report and Recommendation, as well as the record, and agrees with Magistrate Judge Poplin’s well-reasoned conclusions.

¹ Plaintiff’s original lawsuit named Piedmont Airlines, Inc., d/b/a American Airlines, Eli Evans, and Marvin Mulder as defendants. [Doc. 1]. When Plaintiff filed his Second Amended Complaint, he did not name Mulder as a defendant. [See Doc. 13]. On October 15, 2020, Plaintiff and Piedmont Airlines, Inc., d/b/a American Airlines filed a Notice of Settlement [Doc. 27] and later a Notice of Voluntary Dismissal [Doc. 28]. Thus, the only remaining defendant is Evans.

² Magistrate Judge Poplin advised that the parties had 14 days in which to object to the Report and Recommendation and that failure to do so would waive any right to appeal. [Doc. 41 at 19 n.5]; see Fed. R. Civ. P. 72(b)(2); see also *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (“It does not appear that Congress intended to require district court review of a magistrate judge’s factual or legal conclusions, under a de novo or any other standard, when neither party

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Poplin's findings of fact and conclusions of law as set forth in the Report and Recommendation [Doc. 41]. Plaintiff's Motion for Entry of Default Judgment [Doc. 31] is **GRANTED IN PART AND DENIED IN PART**. Defendant is **ADJUDGED** for assault and battery and intentional infliction of emotional distress, and Plaintiff is awarded \$350,000.00, constituting \$175,000.00 in compensatory damages and \$175,000.00 in punitive damages.

SO ORDERED.

/s/ Charles E. Atchley, Jr.
CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE

objects to those findings.”). Even accounting for the additional three days for service provided by Fed. R. Civ. P. 6(d), the period in which the parties could timely file any objections has now expired.